were proved in some way which issue it was on which the former action was actually determined. Decisions on this point will be found reviewed in *Soderberg* v. *Armstrong* (June 30, 1902, Nev. C. C.), 116 Fed. Rep. 709; and *Kitson* v. *Farwell* (1890), 132 Ill. 327, 23 N. E. 1024. In the case now being considered the issues in the former action, though several in number, and any one of them sufficient to warrant the judgment, were all in issue in the last action and each equally and independently a complete defense. Under these facts it was objected that the finding in the first action was a general verdict, and that there was nothing to show on which of the issues the verdict was in fact found in favor of the successful party; and therefore that there was no estoppel as to any of them. But the court held that the objection was not well taken, because the verdict must have been found on some one of the issues, and that it did not matter which one it was, as any one of them would be a bar to the present action. *Aetna Life Ins. Co.* v. *Board of Com'rs* (Aug. 4, 1902), 117 Fed. Rep. 82. The court reviews the former decisions at considerable length.

ANTI-TRUST ACT—DISCRIMINATION IN FAVOR OF CERTAIN CLASSES.—An important point, not however brought to the surface, either in the headnote or the index of the official report, was involved in the recent case of *Connolly* v. *Union Sewer Pipe Co.* decided by the Supreme Court of the United States, (184 U. S. 540, 22 Sup. Ct. Rep. 431). The Trust statute of Illinois of 1893, after defining and forbidding trusts, and imposing penalties upon their creation and continuance, proceeding to declare (§ 9) that "the provisions of this act shall not apply to agricultural products or live stock, while in the hands of the producer or raiser." The Michigan anti-trust act of 1889, sec. 6, likewise contains this provision, but extends it further by declaring that it shall not apply "to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members." Exceptions substantially similar are found in the acts of several of the other states.

It was urged against the statute of Illinois, that, by the inclusion of § 9, it violated the provisions of the Fourteenth Amendment to the Constitution of the United States by denying to the classes not excepted, the equal protection of the laws, and this contention was sustained. The court further held that § 9 was evidently such an integral part of the whole statute that it could not be presumed that the act would have been adopted without this provision, and that the whole statute must therefore fail. Whether the act was also within the prohibition against the deprivation of property without due process of law, the court deemed it unnecessary to inquire. Mr. Justice McKenna alone dissented.

COURTS—CONFLICT OF JURISDICTION—CREDITOR'S BILL.—It is quite generally agreed that property held by executors and administrators cannot be levied on under attachments and executions issuing from courts other than the one appointing or having control of the executor or administrator and the administration of the estate. The reason is that no court can interfere with the affairs in any other court unless it be authorized by law to exercise such authority in such cases by appeal or other supervision. For the

same reason the executor or administrator cannot be required to answer as garnishee in any other court for such property. The decisions on these questions are reviewed at some length in *Hudson* v. *Saginaw Circuit Judge* (1897), 114 Mich. 116, 72 N. W. Rep. 162, 68 Am. St. Rep. 465, 47 L. R. A. 345. In a recent case in Rhode Island it was held that nevertheless a bill in chancery might be maintained by the creditor against the executors and the non-resident legatee debtor; and that the court would order the executor to withhold whatever might be due to the legatee. On demurrer it was held no objection that the estate had not yet been settled, that the legatee could not yet sue the executors, and that the probate conrt had not yet ordered payment. The bill alleged that there would be a large sum due the legatee after all funeral expenses, expenses of administration, and debts of the deceased were paid. The court held that it could not require the executors to make an accounting to it, as that would be interfering with the jurisdiction of the probate court. *Gorman* v. *Stillman* (June 23, 1902), — R. I. —, 52 Atl. Rep. 1088.

GARNISHMENT—POSSESSION TO CHARGE GARNISHEE.—The notion which once prevailed to a considerable extent, especially in the New England states, that a garnishee could not be charged on a possession obtained by him without any privity of contract with the defendant, has not generally obtained. Yet it is agreed on all hands that if the garnishee acquired the possession by trespass, in collusion with the creditor and for the purpose of effecting the garnishment, the proceedings could not be sustained. In a recent case the garnishee disclosed that he had $50 in money belonging to the defendant, which he had taken from the person of the defendant while the latter was drunk. He said that he took the money so that the defendant would not lose it. The court held that the garnishee was properly charged, though there was no privity or consent by the defendant to his possession. *Canning* v. *Knights* (May, 1902), — N. H. —, 52 Atl. Rep. 443.

JUDGMENTS—SATISFACTION BY LEVY.—A levy was made on $3,743, in coin, that being the full amount of the execution and judgment. Later, upon a motion by a claimant, the court ordered the sheriff to retain the money until the right of the claimant to it could be heard. The attorneys for the judgment creditor requested that the right of the claimant be brought to issue and tried as soon as possible. The issue being finally decided against the claimant, and the money being paid to the judgment creditor, he had another execution issued to collect the interest which accrued on the judgment between the time of the levy and the time the sheriff paid the money to him under the first execution. An order quashing this execution was affirmed on error, on the ground that the levy by the sheriff was a satisfaction of the judgment to the extent of the money levied on; and that whatever remedy the creditor might have for the lost interest, the judgment was extinguished. *Adams* v. *National Bank of Com.* (Sept. 1902), — Wash. —, 70 Pac. Rep. 105.

JUDGMENTS—EXECUTION SALES—RIGHT OF DEFENDANT ON REVERSAL.—If a judgment is recovered and execution issued thereon, and property is seized and sold, and afterward the defendant obtains a reversal of the judg-